IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 324 OF 2007
IN
FAMILY COURT APPEAL NO. 206 OF 2007

Mr.Hemant Ramakant Karnik ...Applicant
V/s.
Smt.Smita Hemant Karnik ...Respondent

Mr.N.P. Bhavsar for the Applicant.
Mr.Y.S. Bhate for the Respondent.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : DECEMBER 5, 2007

P.C. :-

. By consent of parties, Civil Application is disposed of in the following terms :-

1) Within a period of six weeks, the applicant-appellant shall deposit the amount of maintenance as per order of the Family Court dated 29th August, 2007 at the rate of Rs.7000/- per month from the month of September 2007 till December 2007. The deposit shall be made by the applicant with due intimation to the respondent.

2) If the amount is deposited, the Family Court shall permit the respondent to withdraw the amount at the rate of Rs.4000/- per month without furnishing any security. In case, the respondent wants to withdraw the balance of the amount also i.e. the amount at the rate of Rs.3000/- per month, the Family Court shall permit her to withdraw the amount on furnishing a Bank Guarantee of a Nationalised Bank to the satisfaction of the Family Court and on filing an undertaking undertaking to this Court to bring back the amount, if so directed by this Court and on such terms and conditions, as may be directed by this Court.

3) Withdrawal be permitted within a period of six weeks from the date of deposit. If the amount is not withdrawn, the amount shall be invested in a Fixed Deposit in a Nationalised Bank to the credit of the appeal.

4) So far as the current liability for

maintenance is concerned, on or before 10th of each calender month, the appellant shall deposit Rs.7000/- with due intimation to the respondent each calender month. On the amount being deposited before the Family Court, Rs.4000/- to be withdrawn without security and balance amount of Rs.3000/- on furnishing a Bank Guarantee and undertaking, as directed hereinabove.

4) In any case, the applicant commits any default in depositing of the amount of arrears or of monthly maintenance, this Civil Application shall be treated as dismissed and in that event, the respondent shall be free to execute the decree.

. Parties to act on the authenticated copy of this order.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)